

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 41371
Global Environmental & Marine Services, Inc.
RN105577738 and RN106115157
Docket No. 2011-0463-MLM-E

Order Type:

Agreed Order

Media:

MLM – IHW, Used Oil

Small Business:

No

Location(s) Where Violation(s) Occurred:

317 Gilliam Street (Facility 1) and 336 Gilliam Street (Facility 2), Corpus Christi, Nueces County

Type of Operation:

solid and liquid marine waste removal

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: October 25, 2013

Comments Received: None

Penalty Information

Total Penalty Assessed: \$95,835

Total Paid to General Revenue: \$2,665

Total Due to General Revenue: \$93,170

Payment Plan: 35 payments of \$2,662 each

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – Average
Site/RN – Average by Default (Facility 1); Not yet rated (Facility 2)

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: March 22, 2010

Date(s) of NOV(s): N/A

Date(s) of NOE(s): March 9, 2011

Violation Information

Facility 1:

1. Failed to conduct hazardous waste determinations and waste classifications [30 TEX. ADMIN. CODE §§ 335.62 and 335.503, and 40 C.F.R. § 262.11].
2. Failed to label or clearly mark with any one of the following phrases: "Universal Waste - Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)" each lamp or a container or package in which such lamps are contained; failed to contain paint and paint-related waste in a container that was labeled or marked clearly with the words "Universal Waste - Paint and Paint-Related Wastes"; and failed to demonstrate the length of time that the universal waste has been accumulated by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received [30 TEX. ADMIN. CODE §§ 335.261(a) and 335.262(c)(2)(F), and 40 C.F.R. §§ 273.34(e) and 273.35(c)].
3. Failed to prevent the storage of industrial solid waste in such a manner that would cause the discharge or imminent threat of discharge of industrial solid waste into or adjacent to waters in the state [30 TEX. ADMIN. CODE § 335.4].
4. Failed to provide written notification for all industrial solid waste streams and associated waste management units [30 TEX. ADMIN. CODE § 335.6(c)].
5. Failed to prevent the disposal of industrial solid waste at an unauthorized facility, failed to use waste manifests when shipping hazardous and Class I industrial wastes off-site, and failed to obtain a properly completed manifest for a Class I industrial waste [30 TEX. ADMIN. CODE §§ 335.2(b), 335.10(a) and 335.11(a)(1), and 40 C.F.R. § 262.20].
6. Failed to maintain records of hazardous and industrial solid waste activities [30 TEX. ADMIN. CODE § 335.9(a)(1)(G)].
7. Failed to label or clearly mark containers and aboveground storage tanks ("ASTs") used to store or process used oil with the words "Used Oil" [30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54(f)].
8. Failed to develop and maintain a written analysis plan for sampling and analyzing, keeping records, and complying with analytical requirements for documenting that used oil is not hazardous waste and/or that used oil to be burned for energy recovery meets on-specification requirements [30 TEX. ADMIN. CODE §§ 324.1 and 324.12(3), and 40 C.F.R. § 279.55].
9. Failed to install and maintain a secondary containment system for containers and ASTs used to store or process used oil [30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54(c) and (d)].
10. Failed to submit the required biennial report to the Commission of all used oil operations that have been completed [30 TEX. ADMIN. CODE §§ 324.1 and 324.12(4), and 40 C.F.R. § 279.57(b)].
11. Failed to keep containers storing used oil in good condition to prevent them from leaking, and failed to perform cleanup action upon detection of a release of used oil [30 TEX. ADMIN. CODE §§ 324.1 and 324.15, and 40 C.F.R. § 279.54(b) and (g)].
12. Failed to provide proof of financial assurance as a used oil handler and a used oil transporter [30 TEX. ADMIN. CODE §§ 324.22(b), 37.2011 and 37.2021].
13. Failed to register used oil activities with the TCEQ and the Environmental Protection Agency [30 TEX. ADMIN. CODE §§ 324.11(2) and 324.12(2), and 40 C.F.R. §§ 279.42(a) and 279.51(a)].
14. Failed to comply with preparedness and prevention requirements as applicable to used oil processors and re-refiners [30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.52].
15. Failed to prepare and implement a Spill Prevention, Control, and Countermeasures ("SPCC") plan applicable to used oil processors [30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54].

Facility 2:

16. Failed to label or clearly mark four ASTs used to store or process used oil with the words "Used Oil" [30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54(f)].
17. Failed to install and maintain a secondary containment system for four ASTs used to store used oil [30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54(d)].
18. Failed to keep containers storing used oil in good condition and to prevent them from leaking, and failed to perform cleanup action upon detection of a release of used oil [30 TEX. ADMIN. CODE §§ 324.1 and 324.15 and 40 C.F.R. § 279.54(b) and (g)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. At Facility 1, began conducting hazardous waste determinations and classifications and maintaining records of the waste determinations and classifications as of July 15, 2010 (Violation 1);
2. At Facility 1, began labeling universal waste containers and documenting accumulation time for universal wastes as of August 20, 2013 (Violation 2);
3. Completed proper remediation and removal of contaminated soil at both Facilities and began keeping containers storing used oil in good condition and storing them in a manner designed to prevent discharges as of May 27, 2011 (Violations 3, 11 and 18);
4. For Facility 1, provided written notification for all industrial solid waste streams and associated waste management units as of July 28, 2010 (Violation 4);
5. Provided documentation as of May 27, 2011, demonstrating that Respondent began properly manifesting and disposing of Class I industrial waste at Facility 1 (Violation 5);
6. Provided documentation as of May 27, 2011, demonstrating that Respondent began maintaining records of hazardous and industrial solid waste activities and accumulation areas at Facility 1 (Violation 6);
7. For Facility 1, obtained acceptable financial assurance as a used oil handler and a used oil transporter on April 27, 2011 (Violation 12); and
8. For Facility 1, registered used oil activities with the TCEQ and the Environmental Protection Agency as of April 27, 2011 (Violation 13).

Technical Requirements:

1. Within 90 days:
 - a. At Facility 1, develop and implement preparedness and prevention requirements applicable to used oil processors and re-refiners (Violation 14);
 - b. Label all containers, frac tanks, and ASTs used to store or process used oil at the Facilities (Violations 7 and 16);
 - c. At Facility 1, develop and maintain a written analysis plan for sampling and analyzing, keeping records, and complying with analytical requirements for documenting that used oil at the Facility is not hazardous waste and/or that the used oil to be burned for energy recovery meets on-specification requirements (Violation 8);
 - d. At both Facilities, install and maintain secondary containment systems for all containers and ASTs used to store or process used oil (Violation 9 and 17);
 - e. For Facility 1, submit the required biennial report to the Commission of all used oil operations (Violation 10); and
 - f. For Facility 1, prepare and implement an SPCC plan as applicable to used oil processors (Violation 15).
2. Within 105 days, submit written certification demonstrating compliance.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 41371
Global Environmental & Marine Services, Inc.
RN105577738 and RN106115157
Docket No. 2011-0463-MLM-E

Litigation Information

Date Petition(s) Filed: February 25, 2013
Date Answer(s) Filed: March 13, 2013
SOAH Referral Date: April 16, 2013
Hearing Date(s):
Preliminary hearing: May 23, 2013 (waived)
Evidentiary hearing: October 2-3, 2013 (scheduled)
Settlement Date: September 23, 2013

Contact Information

TCEQ Attorneys: Jennifer Cook, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Eli Martinez, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Keith Frank, Enforcement Division, (512) 239-1203
TCEQ Regional Contact: Hector Gonzales, Corpus Christi Regional Office, (361) 825-3100
Respondent: Timothy Curl, President, Global Environmental & Marine Services, Inc., 18489
Country Place Dr., Conroe, Texas 77302
Respondent's Attorney: Erich Birch, BIRCH, BECKER & MOORMAN, LLP, 4601 Spicewood
Springs Road, Building 4, Suite 101, Austin, Texas 78759



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Mar-2011		
	PCW	29-Aug-2013	Screening	18-Mar-2011
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Global Environmental & Marine Services, Inc. (Facility 1)		
Reg. Ent. Ref. No.	RN105577738		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41371	No. of Violations	7
Docket No.	2011-0463-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Used Oil	Enf. Coordinator	Keith Frank
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$76,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0.0%** Enhancement **Subtotals 2, 3, & 7** **\$0**

Notes: No adjustment for compliance history. The Respondent has submitted one notice of intended audit; however, because a reduction would be below zero, the enhancement defaults to zero.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$10,900**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$11,351**
 Approx. Cost of Compliance **\$25,843**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$65,100**

OTHER FACTORS AS JUSTICE MAY REQUIRE **16.3%** **Adjustment** **\$10,610**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with violation no. 6.

Final Penalty Amount **\$75,710**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$75,710**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **\$75,710**

Screening Date 18-Mar-2011

Docket No. 2011-0463-MLM-E

PCW

Global Environmental & Marine Services, Inc.

Respondent (Facility 1)

Case ID No. 41371

Reg. Ent. Reference No. RN105577738

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history. The Respondent has submitted one notice of intended audit; however, because a reduction would be below zero, the enhancement defaults to zero.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 1)		Policy Revision 2 (September 2002)	
Case ID No.	41371	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN105577738			
Media [Statute]	Industrial and Hazardous Waste			
Enf. Coordinator	Keith Frank			

Violation Number

Rule Cite(s)

Violation Description

Failed to conduct hazardous waste determinations and waste classifications. Specifically, the Respondent had no documentation that hazardous waste determinations and waste classifications were performed for the bilge water, engine room slops/sludge, tank wash condensate, tank wash crude oil, tank wash gasoline, tank wash diesel, oily waste, incinerator ash, and wastewater from the processing of used oil.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent <input type="text" value="25%"/>
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>

Violation Base Penalty

Nine single events are recommended (one for each waste stream).

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent came into compliance on July 15, 2010, prior to the Notice of Enforcement ("NOE") dated March 9, 2011.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. 1 Industrial and Hazardous Waste

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,200	22-Mar-2010	15-Jul-2010	0.32	\$66	n/a	\$66

Notes for DELAYED costs Estimated cost to conduct waste determinations. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$4,200	TOTAL	\$66
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Screening Date 18-Mar-2011 **Docket No.** 2011-0463-MLM-E **PCW**
Respondent Global Environmental & Marine Services, Inc. (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No. 41371 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105577738
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Keith Frank

Violation Number

Rule Cite(s)

Violation Description

Failed to conduct hazardous waste determinations and waste classifications. Specifically, the Respondent had no documentation that hazardous waste determinations and waste classifications were performed for the used alkaline batteries, used lead-acid batteries, used lithium batteries, used fluorescent bulbs, used palm oil, rust chips, paint chips, used printer cartridges, paint cans, empty paint cans, expired flares, electronic waste, and spent calibration cylinders.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Thirteen single events are recommended (one for each waste stream).

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes: The Respondent came into compliance on July 15, 2010, prior to the NOE dated March 9, 2011.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. Industrial and Hazardous Waste
 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included in violation no. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date 18-Mar-2011 **Docket No.** 2011-0463-MLM-E **PCW**
Respondent Global Environmental & Marine Services, Inc. (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No. 41371 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105577738
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Keith Frank

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 335.261(a) and 335.262(c)(2)(F) and 40 CFR §§ 273.34(e) and 273.35(c)
Violation Description Failed to label or clearly mark with any one of the following phrases: "Universal Waste - Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)" each lamp or a container or package in which such lamps are contained. Failed to contain paint and paint-related waste in a container that was labeled or marked clearly with the words "Universal Waste - Paint and Paint-Related Wastes". Also, failed to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Release	Major	Moderate	
	Actual			0%
	Potential			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$9,000
 \$1,000

Violation Events

Number of Violation Events 12 361 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,000

Twelve monthly events are recommended based on documentation of the violation during the March 22, 2010 investigation to the March 18, 2011 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$12,000

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$17 Violation Final Penalty Total \$13,956

This violation Final Assessed Penalty (adjusted for limits) \$13,956

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. Industrial and Hazardous Waste
 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	22-Mar-2010	20-Aug-2013	3.42	\$17	n/a	\$17

Notes for DELAYED costs

Estimated cost to label and mark the accumulation dates on universal waste containers. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$17

Screening Date 18-Mar-2011 **Docket No.** 2011-0463-MLM-E **PCW**
Respondent Global Environmental & Marine Services, Inc. (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No. 41371 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105577738
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Keith Frank

Violation Number

Rule Cite(s)

Violation Description

Failed to prevent the storage of industrial solid waste in such a manner that would cause the discharge or imminent threat of discharge of industrial solid waste into or adjacent to waters in the state. Specifically, outside of warehouses there were 55-gallon drums, tote bags, and containers containing industrial solid waste which were in extremely poor condition, leaking, open, containing waste residue on the external surfaces, and placed directly on the ground.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Four quarterly events are recommended based on documentation of the violation during the March 22, 2010 investigation to the March 18, 2011 screening date.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent came into compliance on May 27, 2011, after the NOE dated March 9, 2011.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. Industrial and Hazardous Waste
 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$10,000	22-Mar-2010	27-May-2011	1.18	\$590	n/a	\$590
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and dispose of the waste materials and contaminated soils at the Facility. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$590

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 1)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	41371			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN105577738			
Media [Statute]	Industrial and Hazardous Waste			
Enf. Coordinator	Keith Frank			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 335.6(c)

Violation Description

Failed to provide written notification for all industrial solid waste streams and associated waste management units. Specifically, the Respondent did not provide written notification for all waste streams observed at Facility 1.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes: The Respondent came into compliance on July 28, 2010, prior to the NOE dated March 9, 2011.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. Industrial and Hazardous Waste
 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	22-Mar-2010	28-Jul-2010	0.35	\$9	n/a	\$9
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Notice of Registration. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$9

Screening Date 18-Mar-2011 **Docket No.** 2011-0463-MLM-E **PCW**
Respondent Global Environmental & Marine Services, Inc. (Facility 1) *Policy Revision 2 (September 2002)*
Case ID No. 41371 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105577738
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Keith Frank

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code §§ 335.2(b), 335.10(a), and 335.11(a)(1) and 40 CFR § 262.20
Violation Description Failed to prevent the disposal of industrial solid waste at an unauthorized facility. Failed to use waste manifests when shipping hazardous and Class I industrial wastes off-site. Also, failed to obtain a properly completed manifest for a Class I industrial waste. Specifically, the Respondent allowed the disposal of wastewater generated from used oil processing to be disposed of at a facility that is not authorized to accept Class I industrial waste, failed to manifest the disposal of wastewater generated from used oil processing, and did not ensure a manifest accompanied the shipment of wastewater from processing used oil.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	10%
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 29 Number of violation days 16

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$29,000

Twenty-nine single events are recommended (one for each unauthorized shipment).

Good Faith Efforts to Comply 10.0% Reduction \$2,900

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent came into compliance on May 27, 2011, after the NOE dated March 9, 2011.

Violation Subtotal \$26,100

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$10,639 **Violation Final Penalty Total** \$30,354

This violation Final Assessed Penalty (adjusted for limits) \$30,354

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. Industrial and Hazardous Waste
 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	22-Mar-2010	27-May-2011	1.18	\$30	n/a	\$30

Notes for DELAYED costs

Estimated cost to ensure properly completed manifests accompany all shipments of hazardous and industrial wastes. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$10,043	4-Jan-2010	22-Mar-2010	1.13	\$567	\$10,043	\$10,610

Notes for AVOIDED costs

Estimated avoided cost to dispose of industrial solid waste at an authorized facility. Date Required is the date of the first documented unauthorized shipment. Final Date is the investigation date.

Approx. Cost of Compliance

\$10,543

TOTAL

\$10,639

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 1)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	41371			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN105577738			
Media [Statute]	Industrial and Hazardous Waste			
Enf. Coordinator	Keith Frank			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Harm			Percent <input type="text" value="0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Adjustment

Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
N/A	<input type="text"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. Industrial and Hazardous Waste
 7

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	22-Mar-2010	27-May-2011	1.18	\$30	n/a	\$30
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to maintain records of waste activities. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Mar-2011		
	PCW	29-Aug-2013	Screening	18-Mar-2011
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Global Environmental & Marine Services, Inc. (Facility 1)		
Reg. Ent. Ref. No.	RN105577738		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41371	No. of Violations	9
Docket No.	2011-0463-MLM-E	Order Type	1660
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media	Industrial and Hazardous Waste	Enf. Coordinator	Keith Frank
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$15,875**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0.0%** Enhancement **Subtotals 2, 3, & 7** **\$0**

Notes: No adjustment for compliance history. The Respondent has submitted one notice of intended audit; however, because a reduction would be below zero, the enhancement defaults to zero.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$150**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$3,583**
 Approx. Cost of Compliance **\$36,800**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$15,725**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$15,725**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$15,725**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **\$15,725**

Screening Date 18-Mar-2011

Docket No. 2011-0463-MLM-E

PCW

Respondent (Facility 1)

Global Environmental & Marine Services, Inc.

Case ID No. 41371

Policy Revision 2 (September 2002)

Reg. Ent. Reference No. RN105577738

PCW Revision October 30, 2008

Media [Statute] Used Oil

Enf. Coordinator Keith Frank

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history. The Respondent has submitted one notice of intended audit; however, because a reduction would be below zero, the enhancement defaults to zero.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 1)		Policy Revision 2 (September 2002)	
Case ID No.	41371	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN105577738			
Media [Statute]	Used Oil			
Enf. Coordinator	Keith Frank			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Harm				Percent <input type="text" value="0%"/>
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. Used Oil
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	22-Mar-2010	7-Mar-2013	2.96	\$15	n/a	\$15

Notes for DELAYED costs
 Estimated cost to label or clearly mark all containers or ASTs used to store or process used oil with the words "Used Oil". Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$15

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 1)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	41371			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN105577738			
Media [Statute]	Used Oil			
Enf. Coordinator	Keith Frank			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 324.1 and 324.12(3) and 40 CFR § 279.55			
Violation Description	Failed to develop and maintain a written analysis plan for sampling and analyzing, keeping records, and complying with analytical requirements for documenting that used oil is not hazardous waste and/or that used oil to be burned for energy recovery meets on-specification requirements.			
		Base Penalty	\$2,500	

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual	Potential		Percent <input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes: 100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>	

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$74"/>	Violation Final Penalty Total <input type="text" value="\$250"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$250"/>	

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Used Oil
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	22-Mar-2010	7-Mar-2013	2.96	\$74	n/a	\$74

Notes for DELAYED costs

Estimated cost to develop and maintain a written analysis plan. Date Required is the investigation date.
 Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$74

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 1)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	41371			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN105577738			
Media [Statute]	Used Oil			
Enf. Coordinator	Keith Frank			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Used Oil
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$5,000	22-Mar-2010	7-Mar-2013	2.96	\$49	\$987	\$1,037
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install and maintain a secondary containment system for all containers and ASTs used to store used oil at the Facility. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,037

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 1)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	41371			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN105577738			
Media [Statute]	Used Oil			
Enf. Coordinator	Keith Frank			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. Used Oil
 4

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Dec-2009	7-Mar-2013	3.27	\$16	n/a	\$16

Notes for DELAYED costs Estimated cost to prepare and submit the required used oil operations biennial report to the Commission. Date Required is the date the biennial report was due. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 1)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	41371			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN105577738			
Media [Statute]	Used Oil			
Enf. Coordinator	Keith Frank			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
N/A	<input type="text"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Used Oil
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$5,000	22-Mar-2010	27-May-2011	1.18	\$20	\$394	\$413
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$20,000	22-Mar-2010	27-May-2011	1.18	\$1,181	n/a	\$1,181
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost (\$5,000) to keep containers used to store used oil in good condition and prevent them from leaking. Estimated cost (\$20,000) to complete the remediation of the area and dispose of the contaminated soil at an authorized facility. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$25,000

TOTAL \$1,594

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 1)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	41371			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN105577738			
Media [Statute]	Used Oil			
Enf. Coordinator	Keith Frank			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 324.22(b), 37.2011 and 37.2021			
Violation Description	Failed to provide proof of financial assurance as a used oil handler and a used oil transporter.			
		Base Penalty	\$2,500	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10%
Matrix Notes	100% of the rule requirement was not met.				
		Adjustment	\$2,250		

\$250

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
N/A	<input type="text"/>	(mark with x)
Notes	The Respondent came into compliance on April 27, 2011, after the NOE dated March 9, 2011.	

Violation Subtotal

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$27"/>	Violation Final Penalty Total <input type="text" value="\$225"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$225"/>	

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Used Oil
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	22-Mar-2010	27-Apr-2011	1.10	\$27	n/a	\$27

Notes for DELAYED costs

Estimated cost to provide financial assurance as a used oil handler facility. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$27

Screening Date 18-Mar-2011	Docket No. 2011-0463-MLM-E	PCW
Respondent Global Environmental & Marine Services, Inc. (Facility 1)		Policy Revision 2 (September 2002)
Case ID No. 41371		PCW Revision October 30, 2008
Reg. Ent. Reference No. RN105577738		
Media [Statute] Used Oil		
Enf. Coordinator Keith Frank		

Violation Number

Rule Cite(s)

Violation Description

Failed to register used oil activities with the TCEQ and the Environmental Protection Agency.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	<input type="text"/>	(mark with x)

Notes: The Respondent came into compliance on April 27, 2011, after the NOE dated March 9, 2011.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. Used Oil
 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	22-Mar-2010	27-Apr-2011	1.10	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to register as a used oil transporter and processor. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date 18-Mar-2011	Docket No. 2011-0463-MLM-E	PCW
Respondent Global Environmental & Marine Services, Inc. (Facility 1)	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 41371	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN105577738		
Media [Statute] Used Oil		
Enf. Coordinator Keith Frank		

Violation Number

Rule Cite(s)

Violation Description

Failed to comply with preparedness and prevention requirements as applicable to used oil processors and re-refiners. Specifically, the Respondent failed to maintain and operate the Facility in a manner designed to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents. The Facility did not have an internal communications or alarm system; a device capable of summoning emergency assistance; portable fire extinguishers; fire control equipment; spill control equipment; decontamination equipment; water at adequate volume and pressure to supply water to hose streams; adequate aisle space; and arrangements to familiarize local response authorities and hospitals with the layout and hazardous wastes handled at the Facility.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	x	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

		<input type="text" value="12"/>		<input type="text" value="361"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	x			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
				Violation Base Penalty	<input type="text" value="\$7,500"/>

Twelve monthly events are recommended based on documentation of the violation during the March 22, 2010 investigation to the March 18, 2011 screening date.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Used Oil
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	22-Mar-2010	7-Mar-2013	2.96	\$740	n/a	\$740

Notes for DELAYED costs
 Estimated cost to comply with all applicable preparedness and prevention requirements at the Facilities.
 Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$740
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Screening Date 18-Mar-2011	Docket No. 2011-0463-MLM-E	PCW
Respondent Global Environmental & Marine Services, Inc. (Facility 1)		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 41371		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN105577738		
Media [Statute] Used Oil		
Enf. Coordinator Keith Frank		

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
		Major	Moderate	Minor	
OR	Release	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 1)
Case ID No. 41371
Reg. Ent. Reference No. RN105577738
Media Violation No. Used Oil
 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	22-Mar-2010	7-Mar-2013	2.96	\$74	n/a	\$74

Notes for DELAYED costs

Estimated cost to prepare and implement an SPCC plan. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$74



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Mar-2011		
	PCW	29-Aug-2013	Screening	18-Mar-2011
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Global Environmental & Marine Services, Inc. (Facility 2)		
Reg. Ent. Ref. No.	RN106115157		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41371	No. of Violations	3
Docket No.	2011-0463-MLM-E	Order Type	1660
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media	Industrial and Hazardous Waste	Enf. Coordinator	Keith Frank
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$4,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0.0%** Enhancement **Subtotals 2, 3, & 7** **\$0**

Notes: No adjustment for compliance history.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$100**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts	\$1,760
Approx. Cost of Compliance	\$15,100

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$4,400**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$4,400**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$4,400**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **\$4,400**

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent Case ID No.	(Facility 2) 41371	Global Environmental & Marine Services, Inc.		<i>Policy Revision 2 (September 2002)</i>
Reg. Ent. Reference No.	RN106115157			<i>PCW Revision October 30, 2008</i>
Media [Statute]	Used Oil			
Enf. Coordinator	Keith Frank			

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes	No adjustment for compliance history.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 2)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	41371			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN106115157			
Media [Statute]	Used Oil			
Enf. Coordinator	Keith Frank			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)	

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 2)
Case ID No. 41371
Reg. Ent. Reference No. RN106115157
Media Violation No. Used Oil
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	22-Mar-2010	7-Mar-2013	2.96	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost to label or clearly mark all ASTs used to store used oil with the words "Used Oil". Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$15

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 2)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	41371			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN106115157			
Media [Statute]	Used Oil			
Enf. Coordinator	Keith Frank			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 2)
Case ID No. 41371
Reg. Ent. Reference No. RN106115157
Media Used Oil
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$5,000	22-Mar-2010	7-Mar-2013	2.96	\$49	\$987	\$1,037
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to install and maintain a secondary containment system for the ASTs used to store used oil at Facility 2. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$1,037

Screening Date	18-Mar-2011	Docket No.	2011-0463-MLM-E	PCW
Respondent	Global Environmental & Marine Services, Inc. (Facility 2)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	41371			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN106115157			
Media [Statute]	Used Oil			
Enf. Coordinator	Keith Frank			

Violation Number

Rule Cite(s)

Violation Description

Failed to keep containers storing used oil in good condition and to prevent them from leaking. Also, failed to perform cleanup action upon detection of a release of used oil. Specifically, there were four ASTs used to store used oil and there was used oil on the ground surrounding the four ASTs.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Four quarterly events are recommended based on documentation of the violation during the March 22, 2010 investigation to the March 18, 2011 screening date.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent came into compliance on May 27, 2011, after the Notice of Enforcement dated March 9, 2011.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Global Environmental & Marine Services, Inc. (Facility 2)
Case ID No. 41371
Reg. Ent. Reference No. RN106115157
Media Used Oil
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$5,000	22-Mar-2010	27-May-2011	1.18	\$20	\$394	\$413
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	22-Mar-2010	27-May-2011	1.18	\$295	n/a	\$295
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost (\$5,000) to maintain ASTs used to store used oil in good condition and prevent them from leaking. Estimated cost (\$5,000) to complete the remediation of the area and dispose of the contaminated soil at an authorized facility. Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$708

Compliance History

Customer/Respondent/Owner-Operator: CN603192998 Global Environmental & Marine Services, Inc. Classification: AVERAGE
Rating: 2.00

Regulated Entity: RN105577738 Global Environmental & Marine Services Classification: AVERAGE BY DEFAULT
Site Rating: 3.01

ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000078059
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 88261

Location: 317 GILLIAM ST, CORPUS CHRISTI, TX, 78409

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: March 16, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 16, 2006 to March 16, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Keith Frank Phone: (512) 239-1203

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
N/A
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - F. Environmental audits.
Notice of Intent Date: 7/9/2010 (841851)
No DOV Associated
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

Compliance History

Customer/Respondent/Owner-Operator: CN603192998 Global Environmental & Marine Services, Inc. Classification: AVERAGE Rating: 2.00
 Regulated Entity: RN106115157 Global Environmental & Marine Services Classification: Site Rating:
 ID Number(s):
 Location: 336 GILLIAM ST, CORPUS CHRISTI, TX, 78409
 TCEQ Region: REGION 14 - CORPUS CHRISTI
 Date Compliance History Prepared: April 08, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: March 16, 2006 to March 16, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Keith Frank Phone: (512) 239-1203

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
N/A
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GLOBAL ENVIRONMENTAL &
MARINE SERVICES, INC.;
RN105577738 AND RN106115157**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2011-0463-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Global Environmental & Marine Services, Inc. ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE chs. 361 and 371. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Erich Birch of the law firm BIRCH, BECKER & MOORMAN, LLP, together stipulate that:

1. Respondent owns and operates a solid and liquid marine waste removal company with locations at 317 Gilliam Street (RN105577738) ("Facility 1") and 336 Gilliam Street (RN106115157) ("Facility 2") in Corpus Christi, Nueces County, Texas (collectively referred to as the "Facilities"). The Facilities involve the management and/or the disposal of industrial solid and/or hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Facilities also involve the management and/or the disposal of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE chs. 361 and 371 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of ninety-five thousand eight hundred thirty-five dollars (\$95,835.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid two thousand six hundred sixty-five dollars (\$2,665.00) of the administrative penalty. The remaining amount of ninety-three thousand one hundred seventy dollars (\$93,170.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of two thousand six hundred sixty-two dollars (\$2,662.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive

Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.
11. The Executive Director recognizes that Respondent implemented the following corrective measures:
 - a. At Facility 1, began conducting hazardous waste determinations and classifications and maintaining records of the waste determinations and classifications as of July 15, 2010 (Allegation No. 1.a.);
 - b. At Facility 1, began labeling universal waste containers and documenting accumulation time for universal wastes as of August 20, 2013 (Allegation No. 1.b.);
 - c. Completed proper remediation and removal of contaminated soil at the Facilities and began keeping containers storing used oil in good condition and storing them in a manner designed to prevent discharges as of May 27, 2011 (Allegation Nos. 1.c., 1.k., and 2.c.);
 - d. For Facility 1, provided written notification for all industrial solid waste streams and associated waste management units as of July 28, 2010 (Allegation No. 1.d.);
 - e. Provided documentation as of May 27, 2011, demonstrating that Respondent began properly manifesting and disposing of Class I industrial waste at Facility 1, (Allegation No. 1.e.);
 - f. Provided documentation as of May 27, 2011, demonstrating that Respondent began maintaining records of hazardous and industrial solid waste activities and accumulation areas at Facility 1 (Allegation No. 1.f.);
 - g. For Facility 1, obtained acceptable financial assurance as a used oil handler and a used oil transporter on April 27, 2011 (Allegation No. 1.l.); and

- h. For Facility 1, registered used oil activities with the TCEQ and the Environmental Protection Agency as of April 27, 2011 (Allegation No. 1.m.).

II. ALLEGATIONS

1. During an investigation of Facility 1 conducted on March 22, 2010, a TCEQ Corpus Christi Regional Office investigator documented that Respondent:
 - a. Failed to conduct hazardous waste determinations and waste classifications, in violation of 30 TEX. ADMIN. CODE §§ 335.62 and 335.503, and 40 C.F.R. § 262.11. Specifically, Respondent had no documentation that hazardous waste determinations and waste classifications were performed for bilge water, engine room slops/sludge, tank wash condensate, tank wash crude oil, tank wash gasoline, tank wash diesel, oily waste, incinerator ash, wastewater from the processing of used oil, used alkaline batteries, used lead-acid batteries, used lithium batteries, used fluorescent bulbs, used palm oil, rust chips, paint chips, used printer cartridges, paint cans, empty paint cans, expired flares, electronic waste, and spent calibration cylinders;
 - b. Failed to label or clearly mark with any one of the following phrases: "Universal Waste - Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)" each lamp or a container or package in which such lamps are contained; failed to contain paint and paint-related waste in a container that was labeled or marked clearly with the words "Universal Waste - Paint and Paint-Related Wastes"; and failed to demonstrate the length of time that the universal waste has been accumulated by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received, in violation of 30 TEX. ADMIN. CODE §§ 335.261(a) and 335.262(c)(2)(F), and 40 C.F.R. §§ 273.34(e) and 273.35(c);
 - c. Failed to prevent the storage of industrial solid waste in such a manner that would cause the discharge or imminent threat of discharge of industrial solid waste into or adjacent to waters in the state, in violation of 30 TEX. ADMIN. CODE § 335.4. Specifically, outside of warehouses there were 55-gallon drums, tote bags, and containers containing industrial solid waste which were in extremely poor condition, leaking, open, containing waste residue on the external surfaces, and placed directly on the ground;
 - d. Failed to provide written notification for all industrial solid waste streams and associated waste management units, in violation of 30 TEX. ADMIN. CODE § 335.6(c). Specifically, Respondent did not provide written notification for all waste streams observed at Facility 1;
 - e. Failed to prevent the disposal of industrial solid waste at an unauthorized facility, failed to use waste manifests when shipping hazardous and Class I industrial wastes off-site, and failed to obtain a properly completed manifest for a Class I industrial waste, in violation of 30 TEX. ADMIN. CODE §§ 335.2(b), 335.10(a) and 335.11(a)(1), and 40 C.F.R. § 262.20. Specifically, Respondent allowed the disposal of wastewater generated from used oil processing to be disposed of at a facility that is not authorized to accept Class I industrial waste, failed to manifest the disposal of wastewater generated

- from used oil processing, and did not ensure a manifest accompanied the shipment of wastewater from processing used oil;
- f. Failed to maintain records of hazardous and industrial solid waste activities, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1)(G). Specifically, there were no records of the locations of all industrial waste accumulation areas;
 - g. Failed to label or clearly mark containers and aboveground storage tanks ("ASTs") used to store or process used oil with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54(f). Specifically, Respondent failed to label six frac tanks and one AST used to store used oil with the words "Used Oil";
 - h. Failed to develop and maintain a written analysis plan for sampling and analyzing, keeping records, and complying with analytical requirements for documenting that used oil is not hazardous waste and/or that used oil to be burned for energy recovery meets on-specification requirements, in violation of 30 TEX. ADMIN. CODE §§ 324.1 and 324.12(3), and 40 C.F.R. § 279.55;
 - i. Failed to install and maintain a secondary containment system for containers and ASTs used to store or process used oil, in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54(c) and (d). Specifically, Respondent had six frac tanks and one AST placed directly on the ground without secondary containment;
 - j. Failed to submit the required biennial report to the Commission of all used oil operations that have been completed, in violation of 30 TEX. ADMIN. CODE §§ 324.1 and 324.12(4), and 40 C.F.R. § 279.57(b);
 - k. Failed to keep containers storing used oil in good condition to prevent them from leaking, and failed to perform cleanup action upon detection of a release of used oil, in violation 30 TEX. ADMIN. CODE §§ 324.1 and 324.15, and 40 C.F.R. § 279.54(b) and (g). Specifically, there were frac tanks, ASTs, and 55-gallon drums at Facility 1 leaking used oil and there were several used oil spills surrounding several used oil storage units;
 - l. Failed to provide proof of financial assurance as a used oil handler and a used oil transporter, in violation of 30 TEX. ADMIN. CODE §§ 324.22(b), 37.2011 and 37.2021;
 - m. Failed to register used oil activities with the TCEQ and the Environmental Protection Agency, in violation of 30 TEX. ADMIN. CODE §§ 324.11(2) and 324.12(2), and 40 C.F.R. §§ 279.42(a) and 279.51(a);
 - n. Failed to comply with preparedness and prevention requirements as applicable to used oil processors and re-refiners, in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.52. Specifically, Respondent failed to maintain and operate Facility 1 in a manner designed to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents. The Facility did not have: an internal communications or alarm system, a device capable of summoning emergency assistance, portable fire extinguishers, fire control equipment, spill control equipment, decontamination equipment, water at adequate volume and pressure to supply water to hose streams; adequate aisle space, and arrangements to familiarize local response authorities and hospitals with the layout and hazardous wastes handled at Facility 1; and

- o. Failed to prepare and implement a Spill Prevention, Control, and Countermeasures ("SPCC") plan applicable to used oil processors, in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54.
2. During an investigation conducted at Facility 2 on March 22, 2010, a TCEQ Corpus Christi Regional Office investigator documented that Respondent:
 - a. Failed to label or clearly mark four ASTs used to store or process used oil with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54(f);
 - b. Failed to install and maintain a secondary containment system for four ASTs used to store used oil, in violation of 30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54(d); and
 - c. Failed to keep containers storing used oil in good condition and to prevent them from leaking, and failed to perform cleanup action upon detection of a release of used oil, in violation of 30 TEX. ADMIN. CODE §§ 324.1 and 324.15 and 40 C.F.R. § 279.54(b) and (g). Specifically, there were four ASTs used to store used oil and there was used oil on the ground surrounding the four ASTs.
3. Respondent received notice of the violations alleged in Allegation Nos. 1.a. through 2.c. on or about March 14, 2011.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Global Environmental & Marine Services, Inc., Docket No. 2011-0463-MLM-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
2. Respondent shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Agreed Order, Respondent shall:
 - i. At Facility 1, develop and implement preparedness and prevention requirements applicable to used oil processors and re-refiners, in accordance with 30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. 279.52 (Allegation No. 1.n.);
 - ii. Label all containers, frac tanks, and ASTs used to store or process used oil at the Facilities, in accordance with 30 TEX. ADMIN. CODE § 324.1 and

- 40 C.F.R. § 279.54 (Allegation Nos. 1.g. and 2.a.);
- iii. At Facility 1, develop and maintain a written analysis plan for sampling and analyzing, keeping records, and complying with analytical requirements for documenting that used oil at the Facility is not hazardous waste and/or that the used oil to be burned for energy recovery meets on-specification requirements, in accordance with 30 TEX. ADMIN. CODE § 324.12 and 40 C.F.R. § 279.55 (Allegation No. 1.h.);
 - iv. At both Facilities, install and maintain secondary containment systems for all containers and ASTs used to store or process used oil, in accordance with 30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. § 279.54 (Allegation Nos. 1.i. and 2.b.);
 - v. For Facility 1, submit the required biennial report to the Commission of all used oil operations, in accordance with 30 TEX. ADMIN. CODE §§ 324.1 and 324.12 and 40 C.F.R. § 279.57 (Allegation No. 1.j.); and
 - vi. For Facility 1, prepare and implement an SPCC plan as applicable to used oil processors, in accordance with 30 TEX. ADMIN. CODE § 324.1 and 40 C.F.R. §§ 112.3 and 279.54.
- b. Within 105 days after the effective date of this Agreed Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a.i. through 2.a.vi. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:
- "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Texas Commission on Environmental Quality
Enforcement Division, MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

and:

Hector Gonzales, Waste Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
NRC Bldg., Ste. 1200
6300 Ocean Dr., Unit 5839
Corpus Christi TX 78412-5839

3. All relief not expressly granted in this Agreed Order is denied.

4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
5. If Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails a copy of the fully executed Agreed Order to Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

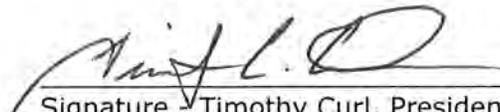
December 16, 2013
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Global Environmental & Marine Services, Inc., and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Timothy Curl, President
Global Environmental & Marine Services, Inc.

September 23, 2013
Date